

Application No. UP-698-06, Charity A. Barrett: Request for a Special Use Permit, pursuant to Sections 24.1-283(b) and 24.1-281(b) of the York County Zoning Ordinance, to authorize an approximately 468-square foot beauty shop as a home occupation within a single-family detached dwelling located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, presented the summary of the staff report to the Commission dated March 1, 2006. **Mr. Cross** explained that the applicant was granted a Special Use Permit for a beauty shop as a home occupation several years ago and has moved her residence to the current location and wishes to continue to provide the same services. No complaints have been filed with the County related to her current use permit, he said. The garage area proposed for the beauty shop totals 468 square feet, a portion of which the applicant intends to close off to hide the furnace from view, resulting in an area closer to the 400 square foot maximum typically allowed and considerably less than 25 percent of the total square footage of the residence. **Mr. Cross** added there is ample paved parking on the property. The staff recommended approval.

Chair Ptasznik expressed a concern about home occupations running with the land, and he noted that there had recently been two use permit applications [both involving private dog kennels in connection with a residential use] that included a condition terminating the Special Use Permit at the time the property is sold. He asked if such a condition could be attached to this application.

Mr. Barnett said he knew of no reason why such a condition could not be attached.

Mr. Cross explained that staff saw no reason to impose such a condition in this case because the same conditions of approval that would apply to Ms. Barrett if the application were approved would also apply to any future purchaser of the home. He commented that if the use is deemed appropriate, then it should not matter who is operating the home occupation as long as he or she abides by the use permit conditions. **Mr. Cross** added that the applications where the use permit was limited to the current property owner involved special circumstances that do not apply to this case.

Chair Ptasznik opened the public hearing.

Ms. Charity Barrett, 409 Cheadle Loop Road, offered to answer questions.

Mr. David S. Williman, 320 Sharon Drive, whose home abuts the subject parcel, spoke for himself and his wife, **Kimberly B. Williman**, in opposition to the application. He noted that the subdivision lacks through streets and that the proposed beauty shop would bring non-residential traffic into the neighborhood, reducing the residents' privacy. **Mr. Williman** also noted that the proposed beauty shop exceeds the standard 400-square foot threshold for home occupations, and he raised the possibility that the applicant might expand her hours of operation in the future. He asked the Commission to consider the neighborhood's rural character and the privacy of such a setting.

Chair Ptasznik responded that the hours of operation would be made a condition of the use permit, if approved, and could not be expanded by the property owner.

(The text of Mr. Williman's remarks is attached to the minutes of record.)

There were no others to speak, and the Chair closed the public hearing.

Chair Ptasznik reiterated his concern that the right to conduct a home beauty shop, if approved, would be passed on to future purchasers of the property without their having to come before the Planning Commission and Board of Supervisors for approval. He asked the other commissioners for their opinions.

Mr. Davis noted another home beauty shop approved about a year ago that involved a parcel where 2 or 3 home occupations were being conducted simultaneously. He opined that when home businesses reach that scale – which, he noted, is not the case with the current application – the owners should relocate to an appropriate commercial property.

Mr. Barba noted that only 13 home beauty and barber shops have been approved by the Board in the past 15 years and that there have been no reported violations or citizen complaints, so he did not have any concern about the proliferation of such operations.

Mr. Ptasznik noted that the applicant was exemplary in the operation of her business but he also understood the concerns expressed by Mr. Williman.

Mr. Barba moved to adopt proposed Resolution PC06-6.

On motion of Mr. Barba, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR
A SPECIAL USE PERMIT TO AUTHORIZE A BEAUTY SHOP AS A HOME
OCCUPATION AT 409 CHEADLE LOOP ROAD

WHEREAS, Charity Ann Barrett has submitted Application No. UP-698-06 requesting a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of March, 2006, that Application No. UP-698-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177), subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on property located at 409 Cheadle Loop Road and further identified as Assessor's Parcel No. 25C-3-1 (GPIN #U08a-0780-3177).
2. The conduct of such home occupation shall be limited to an area within the existing home consisting of approximately 468 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesdays and Thursdays from 10:00 AM to 6:00 PM, and Wednesdays and Fridays from 10:00 AM to 2:00 PM, and Saturdays from 10:00 AM to 2:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.